

CLOSED, DISCMAG, JURY, PATENT

**U.S. District Court [LIVE]  
Eastern District of TEXAS LIVE (Marshall)  
CIVIL DOCKET FOR CASE #: 2:06-cv-00047-TJW-CE**

Rembrandt Technologies, LP v. Sharp Corporation et al  
Assigned to: Judge T. John Ward  
Referred to: Magistrate Judge Charles Everingham  
Cause: 35:271 Patent Infringement

Date Filed: 02/03/2006  
Jury Demand: Plaintiff  
Nature of Suit: 830 Patent  
Jurisdiction: Federal Question

**Plaintiff**

**Rembrandt Technologies, LP**

represented by **Samuel Franklin Baxter**  
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V.

**Defendant**

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**Defendant**

**Sharp Electronics Corp.**

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**Movant**

**Coxcom, Inc.,**

**Counter Claimant**

**Sharp Electronics Corp.**

V.

**Counter Defendant**

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**Counter Claimant****Sharp Corporation**

V.

**Counter Defendant****Rembrandt Technologies, LP**

Date Filed	#	Docket Text
02/03/2006	<a href="#">1</a>	ORIGINAL COMPLAINT WITH JURY TRIAL REQUEST against Sharp Corporation, Sarp Electronics Corp. (Filing fee \$ 250.) , filed by Rembrandt Technologies, LP. (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Civil Cover Sheet)(ch, ) (Entered: 02/06/2006)
02/03/2006		Summons Issued as to Sharp Corporation, Sarp Electronics Corp.. (ch, ) (Entered: 02/06/2006)
02/03/2006	<a href="#">2</a>	Form mailed to Commissioner of Patents and Trademarks. (ch, ) (Entered: 02/06/2006)
02/03/2006	<a href="#">3</a>	CORPORATE DISCLOSURE STATEMENT filed by Rembrandt Technologies, LP (ch, ) (Entered: 02/06/2006)
02/07/2006		Filing fee: \$ 250.00, receipt number 2-1-1135 (ehs, ) (Entered: 02/07/2006)
02/22/2006	<a href="#">4</a>	MOTION for Extension of Time to File Answer re <a href="#">1</a> Complaint or <i>Otherwise Respond (Unopposed)</i> by Sarp Electronics Corp.. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Henson, Walter) (Entered: 02/22/2006)
03/02/2006	<a href="#">5</a>	ORDER granting <a href="#">4</a> Motion for Extension of Time to Answer. Deadline extended to 3/29/06 for deft Sharp Electronics Corp . Signed by Judge T. John Ward on 3/2/06. (ehs, ) (Entered: 03/02/2006)
03/02/2006		Answer Due Deadline Updated for Sharp Corporation to 3/29/2006. (ehs, ) (Entered: 03/02/2006)
03/06/2006	<a href="#">6</a>	NOTICE of Attorney Appearance by Robert Christopher Bunt on behalf of Rembrandt Technologies, LP (Bunt, Robert) (Entered: 03/06/2006)
03/09/2006	<a href="#">7</a>	NOTICE of Attorney Appearance by Robert M Parker on behalf of Rembrandt Technologies, LP (Parker, Robert) (Entered: 03/09/2006)
03/17/2006	<a href="#">9</a>	SUMMONS Returned Executed Process Server by Rembrandt Technologies, LP. Sarp Electronics Corp. served on 2/7/2006, answer

		due 2/27/2006. (ch, ) (Entered: 03/22/2006)
03/22/2006	<a href="#">8</a>	MOTION for Extension of Time to File Answer re <a href="#">1</a> Complaint or <i>Otherwise Respond (Unopposed)</i> by Sharp Corporation. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Henson, Walter) (Entered: 03/22/2006)
03/29/2006	<a href="#">10</a>	ANSWER to Complaint with Jury Demand <i>Affirmative Defenses</i> , COUNTERCLAIM against Rembrandt Technologies, LP by Sarp Electronics Corp..(Henson, Walter) (Entered: 03/29/2006)
03/29/2006	<a href="#">11</a>	CORPORATE DISCLOSURE STATEMENT filed by Sarp Electronics Corp. identifying Sharp Corporation as Corporate Parent. (Henson, Walter) (Entered: 03/29/2006)
03/29/2006	<a href="#">12</a>	NOTICE of Attorney Appearance by Douglas A Cawley on behalf of Rembrandt Technologies, LP (Cawley, Douglas) (Entered: 03/29/2006)
04/06/2006	<a href="#">13</a>	ORDER granting <a href="#">8</a> Motion for Extension of Time to Answer re <a href="#">1</a> Complaint up to and including 4/28/2006. . Signed by Judge T. John Ward on 4/6/2006. (sm, ) (Entered: 04/06/2006)
04/06/2006		Answer Due Deadline Updated for Sharp Corporation to 4/28/2006. (sm, ) (Entered: 04/06/2006)
04/11/2006	<a href="#">14</a>	<i>PLAINTIFF REMBRANDT TECHNOLOGIES'S ANSWER to Counterclaim OF SHARP ELECTRONICS CORP</i> by Rembrandt Technologies, LP.(Sochia, David) (Entered: 04/11/2006)
04/11/2006	<a href="#">15</a>	APPLICATION to Appear Pro Hac Vice by Attorney Richard H Brown for Sharp Electronics Corp.. (ch, ) (Entered: 04/13/2006)
04/11/2006		Pro Hac Vice Filing fee paid by Brown; Fee: \$25, receipt number: 2-1-1359 (ch, ) (Entered: 04/13/2006)
04/11/2006	<a href="#">16</a>	APPLICATION to Appear Pro Hac Vice by Attorney Gerald Levy for Sharp Electronics Corp.. (ch, ) (Entered: 04/13/2006)
04/11/2006		Pro Hac Vice Filing fee paid by Levy; Fee: \$25, receipt number: 2-1-1359 (ch, ) (Entered: 04/13/2006)
04/11/2006	<a href="#">17</a>	APPLICATION to Appear Pro Hac Vice by Attorney Yukio Kashiba for Sharp Electronics Corp.. (ch, ) (Entered: 04/13/2006)
04/11/2006		Pro Hac Vice Filing fee paid by Kashiba; Fee: \$25, receipt number: 2-1-1359 (ch, ) (Entered: 04/13/2006)
04/27/2006	<a href="#">18</a>	ANSWER to Complaint with Jury Demand <i>Affirmative Defenses</i> , COUNTERCLAIM against Rembrandt Technologies, LP by Sharp Corporation.(Henson, Walter) (Entered: 04/27/2006)
05/05/2006	<a href="#">19</a>	<i>Reply and ANSWER to Counterclaim of Sharp Corporation</i> by Rembrandt Technologies, LP.(Sochia, David) (Entered: 05/05/2006)
01/10/2007	20	NOTICE of Hearing: Scheduling Conference set for 2/6/2007 at 1:30 PM in Ctrm 106 (Marshall) before Judge T. John Ward. (shd, ) (Entered:

		01/10/2007)
01/12/2007	<a href="#">21</a>	NOTICE of Hearing: Scheduling Conference RESET for 2/20/2007 at 10:30 AM in Ctrm 106 (Marshall) before Judge T. John Ward. (shd, ) (Entered: 01/12/2007)
01/12/2007	<a href="#">22</a>	Notice of Scheduling Conference, Proposed Deadlines for Docket Control Order and Discovery Order Scheduling Conference set for 2/6/2007 1:30 PM in (Marshall) before Judge T. John Ward.. Signed by Judge T. John Ward on 1/12/07. (ch, ) (Entered: 01/12/2007)
01/29/2007	<a href="#">23</a>	NOTICE by Sharp Corporation, Sharp Electronics Corp. of <i>Counsel's Change of Firm</i> (Henson, Walter) (Entered: 01/29/2007)
02/01/2007	<a href="#">24</a>	NOTICE of Attorney Appearance by Charles Ainsworth on behalf of Rembrandt Technologies, LP (Ainsworth, Charles) (Entered: 02/01/2007)
02/01/2007	<a href="#">25</a>	NOTICE of Hearing: Scheduling conference previously set for 2/06/07 has been CANCELLED. Scheduling Conference RESET for 2/20/2007 at 10:30 AM in Ctrm 106 (Marshall) before Judge T. John Ward. (shd, ) (Entered: 02/01/2007)
02/16/2007	<a href="#">26</a>	NOTICE by Rembrandt Technologies, LP, Sharp Corporation, Sharp Electronics Corp. re <a href="#">22</a> Order, Set Deadlines/Hearings of <i>Submission of Report of The Parties' Meet and Confer</i> (Attachments: # <a href="#">1</a> Text of Proposed Order Report of the Parties' Meet and Confer)(Henson, Walter) (Entered: 02/16/2007)
02/20/2007	27	TRANSCRIPT of Scheduling Conference held on February 20, 2006 at 10:30 A.M. before Judge T John Ward. Court Reporter: Susan Simmons. 12 pages (ehs, ) (Entered: 02/20/2007)
02/20/2007		Scheduling conference held before Judge T. John Ward on 2/20/2007. (Court Reporter Susan Simmons.) (shd, ) (Entered: 03/09/2007)
03/05/2007	<a href="#">28</a>	Joint MOTION to Amend/Correct <a href="#">22</a> Order, Set Deadlines/Hearings by Rembrandt Technologies, LP. (Attachments: # <a href="#">1</a> Text of Proposed Order) (Baxter, Samuel) (Entered: 03/05/2007)
03/07/2007	<a href="#">29</a>	ORDER granting <a href="#">28</a> Motion to Amend certain dates in docket control order. Signed by Judge T. John Ward on 3/7/07. (djh, ) (Entered: 03/07/2007)
03/08/2007	<a href="#">30</a>	DOCKET CONTROL ORDER - Pltf's Amended Pleadings due by 8/22/2007. Deft's respond to amended pleadings. Discovery due by 4/4/2008. Privilege Logs due 6/11/07. Pltf's Expert Witness List due by 2/15/2008. Deft's expert witness list due 3/14/08. Pltf's trial witnesses due 3/14/08. Deft's trial witnesses due 4/4/08. Joinder of Parties due by 4/27/2007. Markman Hearing set for 11/20/2007 09:00 AM before Judge T. John Ward. Motions in limine due by 5/12/2008. Dispositive motions due 4/11/08. Response to Dispositive motions due 4/25/08. Submit technical tutorials due 11/2/07. Mediation to be completed by 4/18/08. Pretrial Order due by 5/16/2008. Final Pretrial Conference set for 5/22/2008 09:30 AM before Judge T. John Ward. Jury Selection set for

		6/2/2008 09:00AM before Judge T. John Ward. Signed by Judge T. John Ward on 3/8/07. (ehs, ) (Entered: 03/08/2007)
03/09/2007	<a href="#">31</a>	NOTICE by Coxcom, Inc., of <i>Filing Motion for Transfer and Consolidation of Rembrandt Technologies, LP Patent Litigation Pursuant to 28 U.S.C. 1407</i> (Attachments: # <a href="#">1</a> MDL Motion for Transfer and Consolidation# <a href="#">2</a> Exhibit Motion Exhibit A# <a href="#">3</a> Exhibit Motion Exhibit B# <a href="#">4</a> MDL Memorandum# <a href="#">5</a> MDL Memo Exhibit List# <a href="#">6</a> MDL Notice of Appearance# <a href="#">7</a> MDL Corporate Disclosure Statement# <a href="#">8</a> MDL Certificate of Service)(Stockwell, Mitchell) (Entered: 03/09/2007)
03/09/2007	<a href="#">32</a>	NOTICE by Coxcom, Inc., re <a href="#">31</a> Notice (Other), Notice (Other) <i>Exhibits to Memorandum in Support of Motion for Transfer and Consolidation</i> (Attachments: # <a href="#">1</a> MDL Ex. 1# <a href="#">2</a> MDL Ex. 2# <a href="#">3</a> MDL Ex. 3# <a href="#">4</a> MDL Ex. 4# <a href="#">5</a> MDL Ex. 5# <a href="#">6</a> MDL Ex. 6# <a href="#">7</a> MDL Ex. 7# <a href="#">8</a> MDL Ex. 8# <a href="#">9</a> MDL Ex. 9# <a href="#">10</a> MDL Ex. 10# <a href="#">11</a> MDL Ex. 11# <a href="#">12</a> MDL Ex. 12# <a href="#">13</a> MDL Ex. 13# <a href="#">14</a> MDL Ex. 14# <a href="#">15</a> MDL Ex. 15# <a href="#">16</a> MDL Ex. 16# <a href="#">17</a> MDL Ex. 17# <a href="#">18</a> MDL Ex. 18# <a href="#">19</a> MDL Ex. 19# <a href="#">20</a> MDL Ex. 20# <a href="#">21</a> MDL Ex. 21# <a href="#">22</a> MDL Ex. 22# <a href="#">23</a> MDL Ex. 23# <a href="#">24</a> MDL Ex. 24# <a href="#">25</a> MDL Ex. 25# <a href="#">26</a> MDL Ex. 26# <a href="#">27</a> MDL Ex. 27# <a href="#">28</a> MDL Ex. 28# <a href="#">29</a> MDL Ex. 29# <a href="#">30</a> MDL Ex. 30# <a href="#">31</a> MDL Ex. 31# <a href="#">32</a> MDL Ex. 31# <a href="#">33</a> MDL Ex. 33# <a href="#">34</a> MDL Ex. 34# <a href="#">35</a> MDL Ex. 35# <a href="#">36</a> MDL Ex. 36# <a href="#">37</a> MDL Ex. 37# <a href="#">38</a> MDL Ex. 38# <a href="#">39</a> MDL Ex. 39# <a href="#">40</a> MDL Ex. 40# <a href="#">41</a> MDL Ex. 41# <a href="#">42</a> MDL Ex. 42# <a href="#">43</a> MDL Ex. 43)(Stockwell, Mitchell) (Entered: 03/09/2007)
03/12/2007	<a href="#">33</a>	NOTICE of Attorney Appearance by Jason Dodd Cassady on behalf of Rembrandt Technologies, LP (Cassady, Jason) (Entered: 03/12/2007)
03/15/2007	<a href="#">34</a>	APPLICATION to Appear Pro Hac Vice by Attorney Jonathan B Tropp for Sharp Corporation and Sharp Electronics Corp. FEE PAID). (ch, ) (Entered: 03/15/2007)
04/05/2007	<a href="#">35</a>	NOTICE by Rembrandt Technologies, LP <i>NOTICE OF FILING OPPOSITION TO COXCOM'S MOTION FOR TRANSFER AND CONSOLIDATION OF REMBRANDT TECHNOLOGIES, LP PATENT</i> (Attachments: # <a href="#">1</a> Reasons Why Oral Argument Should be Heard in Opposition to CoxCom's Motion for Transfer and Consolidation# <a href="#">2</a> Response to CoxCom's Motion for Transfer and Consolidation# <a href="#">3</a> Rembrandt's Brief in Opposition to CoxCom's Motion to Transfer and Consolidation# <a href="#">4</a> Exhibit List# <a href="#">5</a> Exhibit 1# <a href="#">6</a> Exhibit 2# <a href="#">7</a> Exhibit 3# <a href="#">8</a> Exhibit 4# <a href="#">9</a> Exhibit 5# <a href="#">10</a> Exhibit 6# <a href="#">11</a> Exhibit 7# <a href="#">12</a> Exhibit 8# <a href="#">13</a> Exhibit 9# <a href="#">14</a> Exhibit 10# <a href="#">15</a> Exhibit 11# <a href="#">16</a> Exhibit 12# <a href="#">17</a> Exhibit 13# <a href="#">18</a> Proof of Service)(Baxter, Samuel) (Entered: 04/05/2007)
04/20/2007	<a href="#">36</a>	NOTICE of Disclosure by Sharp Corporation, Sharp Electronics Corp. ( <i>Initial</i> ) (Henson, Walter) (Entered: 04/20/2007)
05/03/2007	<a href="#">37</a>	NOTICE by Sharp Corporation, Sharp Electronics Corp. <i>of Patent Rules 3.3 and 3.4 Submissions</i> (Henson, Walter) (Entered: 05/03/2007)
05/04/2007	<a href="#">38</a>	ORDER REFERRING CASE for Pre-trial to Magistrate Judge Charles Everingham pursuant to General Order 07-03. Signed by Judge T. John

		Ward on 5/4/07. (ehs, ) (Entered: 05/04/2007)
06/11/2007	<a href="#">39</a>	Joint MOTION for Extension of Time to File ( <i>Exchanging Privilege Logs</i> ) by Rembrandt Technologies, LP, Sharp Corporation, Sharp Electronics Corp.. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Henson, Walter) (Entered: 06/11/2007)
06/14/2007	<a href="#">40</a>	ORDER granting <a href="#">39</a> Motion for Extension of Time to File Privilege Logs. Deadline extended to 7/16/07. Signed by Judge Charles Everingham on 6/14/07. (ehs, ) (Entered: 06/14/2007)
06/25/2007	<a href="#">41</a>	Interdistrict transfer to the District of Delaware, Wilmington, DE. Pursuant to letter Elizabeth Dinan has been notified. Certified copy of Docket Sheet, Complaint, Transfer Order and letter were mailed to Federal Bldng, Lockbox 18, 844 N. King Street, Wilmington, DE(ch, ) Additional attachment(s) added on 6/28/2007 (ch, ). Modified on 6/28/2007 (ch, ). (Entered: 06/27/2007)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
07/02/2007 11:33:26			
PACER Login:	ud0037	Client Code:	
Description:	Docket Report	Search Criteria:	2:06-cv-00047-TJW-CE
Billable Pages:	4	Cost:	0.32

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

REMBRANDT TECHNOLOGIES, LP, §  
§  
Plaintiff, § CIVIL ACTION NO. 2:06cv00047  
VS. § JUDGE T. JOHN WARD  
§  
SHARP CORPORATION and SHARP § JURY TRIAL REQUESTED  
ELECTRONICS CORPRATION, §  
§  
Defendants. §

**DEFENDANTS SHARP CORPORATION AND  
SHARP ELECTRONICS CORPORATION'S  
NOTICE OF INITIAL DISCLOSURES**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Defendants Sharp Corporation and Sharp Electronics Corporation and submit to the Court that they served their Initial Disclosures in this case to all parties by and through their counsel of record on the 19<sup>th</sup> day of April, 2007.

Respectfully submitted,

  
\_\_\_\_\_  
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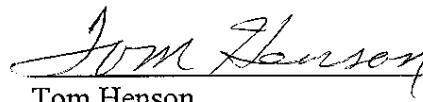
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Attorneys for Defendants  
SHARP CORPORATION and  
SHARP ELECTRONICS CORP.

DATED: April 20, 2007

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by U.S. mail on this the 20<sup>th</sup> day of April, 2007.

  
\_\_\_\_\_  
Tom Henson

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

REMBRANDT TECHNOLOGIES, LP, §  
§  
Plaintiff, § CIVIL ACTION NO. 2:06cv00047  
§ JUDGE T. JOHN WARD  
VS. §  
§  
SHARP CORPORATION and SHARP § JURY TRIAL REQUESTED  
ELECTRONICS CORPRATION, §  
§  
Defendants. §

**DEFENDANTS SHARP CORPORATION AND  
SHARP ELECTRONICS CORPORATION'S  
NOTICE OF PATENT RULES 3.3 AND 3.4 SUBMISSIONS**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Defendants Sharp Corporation and Sharp Electronics Corporation and submit to the Court that they served their contentions and documents pursuant to Patent Rules 3.3 and 3.4 to all parties by and through their counsel of record on the 2<sup>nd</sup> day of May, 2007.

Respectfully submitted,

  
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Attorneys for Defendants  
SHARP CORPORATION and  
SHARP ELECTRONICS CORPORATION

DATED: May 3, 2007

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by U.S. mail on this the 3<sup>rd</sup> day of May, 2007.

  
\_\_\_\_\_  
Tom Henson

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

FILED-CLERK  
U.S. DISTRICT COURT  
2007 MAY -4 PM 12: 22  
EA EASTERN-MARSHALL

REMBRANDT TECHNOLOGIES, L.P.

§

V.

§

NO. 2:06cv47(TJW)

§

SHARP CORPROATION, ET AL

§

BY \_\_\_\_\_

**ORDER**

This case is referred to United States Magistrate Judge Chad Everingham in accordance with the assignments made by General Order 07-03. The magistrate judge shall conduct pre-trial proceedings pursuant to 28 U.S.C. § 636.

The referral magistrate judge is designated to hear and determine all pre-trial matters and motions in connection with such suits except those motions excepted in 28 U.S.C. § 636(b)(1)(A). The magistrate judge is designated to conduct hearings, including evidentiary hearings, and to submit to the presiding judge findings of fact and recommendations for the disposition of all matters excepted under 28 U.S.C. § 636 (b)(1)(A).

SIGNED this 4<sup>th</sup> day of May, 2007.

  
\_\_\_\_\_  
T. JOHN WARD  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

REMBRANDT TECHNOLOGIES, LP        §  
    §  
VS.                                      § CIVIL ACTION NO. 2:06CV-47  
    § JUDGE T. JOHN WARD  
SHARP CORPORATION and              §  
SHARP ELECTRONICS CORP.          §

**JOINT MOTION TO EXTEND DEADLINE  
FOR EXCHANGING PRIVILEGE LOGS**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Rembrandt Technologies, LP, Plaintiff, and Sharp Corporation and Sharp Electronics Corporation, Defendants, by and through their undersigned counsel, and move the Court to extend the deadline under the current Docket Control Order by which they must exchange privilege logs to and including July 16, 2007. This extension has become necessary because of the large volume of materials needing to be reviewed prior to the preparation of privilege logs and should not require the alteration of the trial date or related significant deadlines.

Respectfully submitted,

McKOOL SMITH, P.C.

By: /s/ Jason Cassidy  
Samuel F. Baxter  
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ATTORNEYS FOR DEFENDANTS,  
SHARP CORPORATION AND  
SHARP ELECTRONICS CORPORATION

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

REMBRANDT TECHNOLOGIES, LP §  
§  
VS. § CIVIL ACTION NO. 2:06CV-47  
§ JUDGE T. JOHN WARD  
SHARP CORPORATION and §  
SHARP ELECTRONICS CORP. §

**ORDER GRANTING MOTION TO EXTEND DEADLINE**

On this date came on to be considered the Joint Motion to Extend Deadline for Exchanging Privilege Logs, and the Court being of the opinion that such motion has merit and should be granted, it is, therefore,

ORDERED that the deadline currently existing under the Docket Control Order for the parties to exchange privilege logs should be, and is hereby, extended to and including July 16, 2007.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

REMBRANDT TECHNOLOGIES, LP §  
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VS. § CIVIL ACTION NO. 2:06CV-47  
§ JUDGE T. JOHN WARD  
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SIGNED this 14th day of June, 2007.

  
CHARLES EVERINGHAM IV  
UNITED STATES MAGISTRATE JUDGE

JUN 20 2007  
 ATTEST: *Daniel Morgan Stoll*  
 FOR THE JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION

JUN 25 2007  
 DAVID J. MALAND, CLERK

RELEASED FOR PUBLICATION

JUN 18 2007  
 FILED  
 CLERK'S OFFICE

DOCKET NO. 1848

06-4707-md-1848

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE REMBRANDT TECHNOLOGIES, LP, PATENT LITIGATION**

**BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR., \* KATHRYN H. VRATIL DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL**

**TRANSFER ORDER**

This litigation presently consists of the fifteen actions listed on Schedule A and pending in three districts as follows: seven actions in the Eastern District of Texas, six actions in the District of Delaware, and two actions in the Southern District of New York. Before the Panel is a motion, brought by CoxCom, Inc., pursuant to 28 U.S.C. § 1407, seeking centralization of all actions in the District of Delaware. The owner of the patents, Rembrandt Technologies, LP (Rembrandt), opposes centralization but, alternatively, suggests transfer to the Eastern District of Texas, if the Panel deems centralization appropriate. All other responding defendants expressing a position regarding centralization<sup>1</sup> support centralization in the District of Delaware. Two groups of defendants propose alternative transferee fora – the Southern District of New York<sup>2</sup> or the Eastern District of Pennsylvania,<sup>3</sup> should the Panel decide against centralization in the District of Delaware.

On the basis of the papers filed and hearing session held, the Panel finds that the actions in this litigation involve common questions of fact, and that centralization in the District of Delaware will

\* Judge Miller took no part in the decision of this matter.

<sup>1</sup> The following debtor defendants expressed no opinion regarding whether the actions should be centralized: Adelphia Communications Corp.; Century-TCI California, LP; Century-TCI California Communications, LP; Century-TCI Distribution Co., LLC; Century-TCI Holdings, LLC; Parnassos, LP; Parnassos Communications, LP; Parnassos Distribution Co. I, LLC; Parnassos Distribution Co II, LLC; Parnassos Holdings, LLC; and Western NY Cablevision, LP (collectively the Adelphia defendants).

Nevertheless, if the Panel decides that centralization is appropriate, the Adelphia defendants support transfer to the District of Delaware as their primary preference, as do the following defendants: Cablevision Systems Corp. and CSC Holdings, Inc. (collectively Cablevision); Charter Communications, Inc., and Charter Communications Operating, LLC; Comcast Corp., Comcast Communications, LLP, and Comcast of Plano, LP; Sharp Corp. and Sharp Electronics Corp.; and ABC, Inc., CBS Corp., NBC Universal, Inc., Fox Broadcasting Co., and Fox Entertainment Group, Inc.

<sup>2</sup> Alternatively supporting transfer to the Southern District of New York are the Adelphia defendants and Cablevision.

<sup>3</sup> Cablevision alternatively supports transfer to the Eastern District of Pennsylvania.

FILED

JUN 21 2007

U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

- 2 -

serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The nine patents involved in these actions relate to the provision of high-speed Internet and related services using certain cable modems and equipment and the receipt and transmission of certain digital broadcast signals. Each of the fifteen MDL-1848 actions involves allegations of infringement and/or invalidity of one or more of the patents; specifically, each action involves allegations that compliance with one of two technical standards relating to cable high-speed internet technology and digital broadcasting – respectively, the Data-Over-Cable Service Interface Specifications and the Advanced Television Systems Committee Digital Television Standard – infringes certain Rembrandt patents. All actions can thus be expected to share factual questions concerning such matters as the technology underlying the patents, prior art, claim construction and/or issues of infringement involving the patents. Centralization under Section 1407 is necessary in order to eliminate duplicative discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel and the judiciary.

In opposing centralization, Rembrandt variously argues that inconsistent rulings are unlikely to arise in the actions, unique questions of fact relating to each patent will predominate over common factual questions among these actions, and that cooperation among the parties is a preferable alternative to centralization. We are not persuaded by these arguments. Transfer under Section 1407 does not require a complete identity or even a majority of common factual or legal issues as a prerequisite to transfer. Centralization will permit all actions to proceed before a single transferee judge who can structure pretrial proceedings in a streamlined manner to consider all parties' legitimate discovery needs, while ensuring that common parties and witnesses are not subjected to duplicative discovery demands. The transferee court will be able to formulate a pretrial program that allows any unique discovery in these actions to proceed concurrently on separate tracks with discovery on common issues, *In re Joseph F. Smith Patent Litigation*, 407 F.Supp. 1403, 1404 (J.P.M.L. 1976). The Panel is aware that proceedings in the first-filed MDL-1848 action (*Comcast I*) are somewhat further advanced than those in the other actions. It may well be that *Comcast I*, or other MDL-1848 actions, may be ready for trial in advance of the remaining MDL-1848 actions. If such is the case, nothing in the nature of Section 1407 centralization will impede the transferee court, whenever it deems appropriate, from recommending Section 1407 remand. See Rule 7.6, R.P.J.P.M.L., 199 F.R.D. 425, 436-38 (2001); *In re Acacia Media Technologies Corp Patent Litigation*, 360 F.Supp.2d 1337 (J.P.M.L. 2005).

We are persuaded that this litigation should be centralized in the District of Delaware. By centralizing this litigation before Judge Gregory M. Sleet, who presides over all Delaware actions, we are assigning this litigation to a seasoned jurist in a readily accessible district with the capacity to handle this litigation.

- 3 -

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the District of Delaware are transferred to the District of Delaware and, with the consent of that court, assigned to the Honorable Gregory M. Steet for coordinated or consolidated pretrial proceedings.

FOR THE PANEL:



Wm. Terrell Hodges  
Chairman

## SCHEDULE A

### MDL-1848 -- In re Rembrandt Technologies, LP, Patent Litigation

#### District of Delaware

*Rembrandt Technologies, LP v. Cablevision Systems Corp., et al., C.A. No. 1:06-635  
Coxcom, Inc. v. Rembrandt Technologies, LP, C.A. No. 1:06-721  
Rembrandt Technologies, LP v. CBS Corp., C.A. No. 1:06-727  
Rembrandt Technologies, LP v. NBC Universal, Inc., C.A. No. 1:06-729  
Rembrandt Technologies, LP v. ABC, Inc., C.A. No. 1:06-730  
Rembrandt Technologies, LP v. Fox Entertainment Group, Inc., et al., C.A. No. 1:06-731*

#### Southern District of New York

*Rembrandt Technologies, LP v. Adelphia Communications Corp., et al.,  
Bky. Advy. No. 1:06-1739  
Rembrandt Technologies, LP v. Adelphia Communications Corp., C.A. No. 1:07-214*

#### Eastern District of Texas

*Rembrandt Technologies, LP v. Comcast Corp., et al., C.A. No. 2:05-443  
Rembrandt Technologies, LP v. Sharp Corp., et al., C.A. No. 2:06-47  
Rembrandt Technologies, LP v. Charter Communications, Inc., et al., C.A. No. 2:06-223  
Rembrandt Technologies, LP v. Time Warner Cable, Inc., C.A. No. 2:06-224  
Rembrandt Technologies, LP v. Time Warner Cable, Inc., C.A. No. 2:06-369  
Rembrandt Technologies, LP v. Comcast Corp., et al., C.A. No. 2:06-506  
Rembrandt Technologies, LP v. Charter Communications, Inc., et al., C.A. No. 2:06-507*

CERTIFIED: 6/21/07  
AS A TRUE COPY:  
ATTEST:  
PETER T. DALLEO, CLERK  
BY Beth Duncan  
Deputy Clerk

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

Peter T. Dalleo  
CLERK

LOCKBOX 18  
844 KING STREET  
U.S. COURTHOUSE  
WILMINGTON, DELAWARE 19801  
(302) 573-6170

June 21, 2007

David Maland  
Clerk, U S District Court  
United States District Court  
211 West Ferguson Street  
Room 106  
Tyler, TX 75702

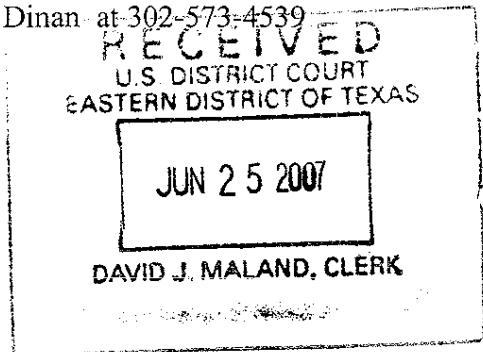
RE: **In Re Rembrandt Technologies LP Patent Litigation- MDL 1848**  
CA 07-399 GMS (D/DE)  
CA 2:06-47 (ED/IX)

Dear Mr. Maland:

In accordance with 28 U.S.C. §1407, enclosed is a certified copy of the *Order of Transfer* issued by the Judicial Panel on Multidistrict Litigation which references the above-captioned case in your District. Kindly forward the complete original file, together with a certified copy of the docket sheet, to the District of Delaware at the following address:

Clerk, U.S. District Court  
Federal Building, Lockbox 18  
844 N. King Street  
Wilmington, DE 19801

If your case file is maintained in electronic format in CM/ECF, please contact Elizabeth Dinan at 302-573-4539.



Sincerely,

Peter T. Dalleo, Clerk

By: Elizabeth Dinan  
Elizabeth Dinan  
Deputy Clerk

Enc.

cc: Jeffrey N. Luthi, Clerk of the Panel